

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER R2010-01094 - (5)

CONDITIONAL USE PERMIT NO. 201000117

HEARING DATE: August 2, 2011

SYNOPSIS: The applicant, Rubio Cañon Land and Water Association, a mutual water company that provides potable drinking water to the central and eastern portions of Altadena, is requesting a conditional use permit (CUP) for the construction and operation of a new water supply well, with accompanying new pump, motor, and piping, in the paved parking lot of an existing water treatment plant and reservoir owned and operated by the Rubio Cañon Land and Water Association in the R-A-2 (Residential Agricultural - 2 Acre Minimum Required Area) zone pursuant to Los Angeles County Code Section 22.20.440. The new well will be 18 inches in diameter, 200 to 300 feet deep, and use a 60 horsepower submersible pump to pump 300 gallons per minute to the existing treatment plant through a new 4-inch diameter, 87-foot long pipeline buried under the parking area with 16 inches of cover.

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on August 2, 2011 before the Hearing Officer. Hearing Officer Paul McCarthy was in attendance for the Public Hearing. Staff presented the applicant's request.

The applicant's representative, Janet Fahey, testified in favor of the project. Ms. Fahey brought up the potential for noise complaints from the surrounding residences due to drilling of the well. Ms. Fahey stated that mitigation measures in the Mitigated Negative Declaration (MND) address potential noise issues and has agreed to abide to the conditions stated in the MND. These mitigation measures include the installation of sound barriers and limiting drilling times to between the hours of 7 a.m. to 7 p.m. on weekdays.

There being no further testimony, Mr. McCarthy closed the public hearing and approved the applicant's request with findings and conditions for approval.

Findings

1. The subject property is located at 3371 Rubio Canyon Road in Altadena and in the Altadena Zoned District.
2. The subject property is zoned R-A-2 (Residential Agricultural – 2 Acre Minimum Required Area). The existing zoning for the surrounding properties are as follows:
 - North: R-A-2 (Residential Agricultural – 2 Acre Minimum Required Area) zone.
 - East: R-A-2 (Residential Agricultural – 2 Acre Minimum Required Area) and R-1-20000 (Single-family Residential – 20,000 sq. ft. Minimum Required Area) zones.
 - South: R-1-20000 (Single-family Residential – 20,000 sq. ft. Minimum Required Area) zone.
 - West: R-1-15000 (Single-family Residential – 15,000 sq. ft. Minimum Required Area) zone.

3. The subject property contains an existing water treatment plant and reservoir. The existing land use for the surrounding properties are as follows:
 - North: Open space
 - East: Open space, Single-family residences
 - South: Single-family residences
 - West: Flood Control Facilities, Single-family residences
4. This approval is for the construction and operation of a new water supply well, with accompanying new pump, motor, and piping, in the paved parking lot of an existing water treatment plant and reservoir. The completed well will be 18-inches in diameter and 200 to 300 ft. deep containing a 60 horsepower submersible pump that would pump up to 300 gallons per minute to the existing treatment plant through a new 4-inch diameter, 87-foot long pipeline buried under the parking lot with 16 inches of cover. The new well will have a completed footprint of 6 feet by 6 feet and an aboveground height of 3 feet.
5. Ordinance No. 11,060 enacted January 9, 1975, established the R-A-2 zone on the property.
6. The subject property is designated Flood Control Facilities in the Altadena Community Plan. Currently, the area is being used as a water treatment plant and reservoir. The proposed well is consistent with the land use compatibility goals and policies of the Countywide General Plan.
7. Pursuant to Section 22.20.440 of the County Code, construction and operation of a water supply well is permitted in the R-A-2 (Residential Agricultural – 2 acre Minimum Required Area) zone, provided that a CUP is obtained.
8. Construction and operation of the water supply well will help restore and enhance the water supply for the treatment plant and for the community.
9. The well is located approximately 812 feet north of Rubio Canyon Road. The well is located in the existing paved parking lot on the northwest corner of the existing water treatment plant and reservoir. The subject property is surrounded by open space to the north, single-family residences to the south, open space and single-family residences to the east, and flood control facilities and single-family residences to the west.
10. The Department of Regional Planning has determined that a Mitigated Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since implementation of mitigation measures will bring project impacts to a less than significant level.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
12. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.

13. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request to construct and operate a new water supply well with accompanying pump, motor, and piping, following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare;
- C. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.090 of the Los Angeles County Code.

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Mitigated Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence the project will have a significant effect on the environment, finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Hearing Officer, and adopts the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000117 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

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